

EXHIBIT A

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CASEY INVESTIGATIONS, LLC, a
Washington Limited Liability Company and
MARIO A. TORRES, an individual,

Plaintiffs,

v.

PRONTO PROCESS SERVICE, INC., a
Washington corporation and NORTHWEST
RAIL ENTERPRISES, INC., a Washington
corporation and MARK OWENS, an individual
and GREGORY and MARY LEE RUSTAND,
individually and as a married couple, and A to Z
LEGAL SUPPORT SERVICES, a Washington
business entity and ROBERT G. LACK, an
individual,

Defendants.

No. CV04-1453C

DEFENDANT WASHINGTON STATE
PROCESS SERVERS ASSOCIATION'S
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION TO
PLAINTIFFS AND ANSWERS AND
RESPONSES THERETO

**DEFENDANT WASHINGTON STATE PROCESS SERVERS ASSOCIATION'S
FIRST DISCOVERY REQUESTS TO PLAINTIFFS**

TO: Casey Investigations, LLC, Mario Torres and to their attorneys,

Pursuant to Rules 33 and 34 of the Rules of Civil Procedure, you are requested and
required to answer the following interrogatories under oath, and to produce the following
documents and tangible items, within the time provided by the rules.

EXHIBIT A

DEFENDANT WASHINGTON STATE PROCESS SERVERS
ASSOCIATION'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO PLAINTIFFS & ANSWERS- 1
(Cause No. CV04-1453C)

MCGLOTHIN MYHRE, P.L.L.P.
1221 East Pike, Suite 205
Seattle, WA 98122
206.527.2500 Fax 206.527.7100

ORIGINAL

DEFINITIONS

1. "Documents" (whether or not capitalized) as used herein means documents, files, or records, whether originals, copies or drafts, as well as any other form of storing information, whether in hard copy or electronically, including, but not limited to, tapes, recordings, writings, notes, papers, books, contracts, agreements, letters, e-mails, studies, memoranda, billings, invoices, receipts, customer lists, floppy discs, hard drives or any other files and records of any kind, regardless of form.

2. "Identify" (whether or not capitalized) when used in reference to a document means to state its date, author, addressee, type, and present custodian. In lieu of such identification, a legible copy may be produced.

3. "Identify" (whether or not capitalized) when used in reference to a person means to state the person's full name, current home and business addresses, current home and business phone numbers, and employment.

4. "You" and "yours" (whether or not capitalized) refer to the plaintiffs Casey Investigations, LLC, and Mario Torres.

5. "Defendant" (whether or not capitalized) refers to Western State Process Servers Association, and any of its predecessors, affiliates, subsidiaries or divisions.

DISCOVERY REQUESTS

INTERROGATORY NO. 1: Identify each individual who participated in the preparation of the responses to any of these discovery requests, or who provided information for that purpose, and state the discovery request(s) with which each such person was involved. (For purposes of this request and all other requests below, refer to the definitions of "identify" stated above.)

1 **ANSWER:**

2 Mario Torres, Plaintiff; Dennis J. McGlothlin; Theodore A. Myhre, and James
3 C. McGuire of McGlothlin Myhre, PLLP, my counsel of record, also
4 participated in the preparation of these responses.

5 **REQUEST FOR PRODUCTION NO. 1:** Produce any and all documents and/or
6 tangible items in your possession, custody or control relating to Defendant. (For purposes of
7 this request and all other requests below, refer to the definitions of "documents," and "you"
8 and "your" stated above.)

9 **RESPONSE:**

10 All documents responsive to this request currently in possession of Plaintiff
11 have been previously provided.

12 **INTERROGATORY NO. 2:** Provide all facts and information that you possess to
13 support the allegation contained in Paragraph .3.19 of the Complaint that acts were done on
14 behalf of or in furtherance of WSPSA, including, what specific acts were done by whom,
15 when, and who has personal knowledge concerning these matters.

16 **ANSWER:**

17 Objection. This contention Interrogatory is premature under FRCP 33(b). See
18 *B. Braun Medical Inc. v. Abbott Laboratories*, 155 F.R.D. 525 (USDC, E.D.
19 Pennsylvania (1994)).

20 **REQUEST FOR PRODUCTION NO. 2:** Produce any and all documents and/or
21 tangible items in your possession, custody or control that relate to your response to
22 Interrogatory No. 2.

23 **RESPONSE:**

24 N/A.
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2 **INTERROGATORY NO. 3:** Provide all facts and information that you possess that
3 supports your allegation that defendants engaged in a conspiracy.

4 **ANSWER:**

5 Objection. This contention Interrogatory is premature under FRCP 33(b). *See*
6 *B. Braun Medical Inc. v. Abbott Laboratories*, 155 F.R.D. 525 (USDC, E.D.
7 Pennsylvania (1994)).

8 **REQUEST FOR PRODUCTION NO. 3:** Produce any and all documents and/or
9 tangible items in your possession, custody or control that supports your response to
10 Interrogatory No. 3.

11 **RESPONSE:**

12 N/A.
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14 **INTERROGATORY NO. 4:** Provide all facts and information that you possess in
15 support of the allegation that defendants fixed prices, including, who allegedly fixed which
16 specific prices and for what period of time.

17 **ANSWER:**

18 Objection. This contention Interrogatory is premature under FRCP 33(b). *See*
19 *B. Braun Medical Inc. v. Abbott Laboratories*, 155 F.R.D. 525 (USDC, E.D.
20 Pennsylvania (1994)).

21 **REQUEST FOR PRODUCTION NO. 4:** Produce any and all documents and/or
22 tangible items in your possession, custody or control that support your response to
23 Interrogatory No. 4.

24 **RESPONSE:**
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1 N/A.

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3 **INTERROGATORY NO. 5:** Provide all facts and information that you possess

4 supporting the allegation contained in Paragraph 4.4 of the Complaint that defendants forced
5 Plaintiffs to join defendants' business associations or be driven out of business.

6 **ANSWER:**

7 Objection. This contention Interrogatory is premature under FRCP 33(b). See
8 *B. Braun Medical Inc. v. Abbott Laboratories*, 155 F.R.D. 525 (USDC, E.D.
9 Pennsylvania (1994)).

10 **REQUEST FOR PRODUCTION NO. 5:** Produce any and all documents and/or

11 tangible items in your possession, custody or control that relate to your response to
12 Interrogatory No. 5.

13 **RESPONSE:**

14 N/A.

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16 **INTERROGATORY NO. 6:** Please provide all facts and information that you

17 possess in support of your allegation that the defendants' conduct produced an
18 anticompetitive effect.

19 **ANSWER:**

20 Objection. This contention Interrogatory is premature under FRCP 33(b). See
21 *B. Braun Medical Inc. v. Abbott Laboratories*, 155 F.R.D. 525 (USDC, E.D.
22 Pennsylvania (1994)).

23 **REQUEST FOR PRODUCTION NO. 6:** Produce any and all documents and/or

24 tangible items in your possession, custody or control that relate to your response to
25 Interrogatory No. 6.

RESPONSE:

N/A.

INTERROGATORY NO. 7: Provide all facts and information that you possess supporting the allegations in Paragraphs 4.9-4.11 of Plaintiff's complaint, including what false communications were made, by whom -- to whom -- and when, and which communications were made in furtherance of WSPSA.

ANSWER:

Objection. This contention Interrogatory is premature under FRCP 33(b). See *B. Braun Medical Inc. v. Abbott Laboratories*, 155 F.R.D. 525 (USDC, E.D. Pennsylvania (1994)).

REQUEST FOR PRODUCTION NO. 7: Produce any and all documents and/or tangible items in your possession, custody or control that relate to your response to Interrogatory No. 7.

RESPONSE:

N/A.

INTERROGATORY NO. 8: Identify each person who has knowledge or information related to any of the allegations in your Complaint or Defendant's Answer, or who you contend has knowledge or information that supports any of your claims or allegations in this action, and for each such person, describe generally the knowledge or information they have and specify whether you intend to call the person as a witness at trial.

ANSWER:

1. Mario A. Torres
c/o McGlothlin Myhre, PLLP
1221 E. Pike St., Suite 205
Seattle, WA 98122
Phone: (206) 527-2500
Fax: (206) 527-7100

Mr. Torres has information regarding all facts alleged in Plaintiff's Complaint.

2. Robert Lack
c/o Leavy, Schultz, Davis & Fearing, P.S.
2415 W. Falls Avenue
Kennewick, WA 99336
Phone: (509) 736-1330
Fax: (509) 736-1580

Mr. Lack is believed to have information regarding his conduct in contacting Plaintiff Torres' employer and companies doing business with Plaintiff Casey Investigations.

3. Mark Owens
c/o Leavy, Schultz, Davis & Fearing, P.S.
2415 W. Falls Avenue
Kennewick, WA 99336
Phone: (509) 736-1330
Fax: (509) 736-1580

Mr. Owens is believed to have information regarding his conduct in contacting Plaintiff Torres' employer and companies doing business with Plaintiff Casey Investigations.

4. Diane Pefley
c/o Davies Pearson, P.C.
920 Fawcett
P.O. Box 1657
Tacoma, WA 98401
Phone: (253) 620-1500
Fax: (253) 572-3052

Ms. Pefley is believed to have information regarding his conduct in contacting Plaintiff Torres' employer and companies doing business with Plaintiff Casey Investigations.

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5. Gregory Rustand
c/o Davies Pearson, P.C.
920 Fawcett
P.O. Box 1657
Tacoma, WA 98401
Phone: (253) 620-1500
Fax: (25) 572-3052

Mr. Rustand is believed to supervise Pefley and owns Defendant A2Z Legal Services, Inc. He is believed to have knowledge about Ms. Pefley's activities. He also has knowledge about his supervising Ms. Pefley.

6. Mary Lee Rustand
c/o Davies Pearson, P.C.
920 Fawcett
P.O. Box 1657
Tacoma, WA 98401
Phone: (253) 620-1500
Fax: (25) 572-3052

Ms. Rustand is believed to supervise Pefley and owns Defendant A2Z Legal Services, Inc. She is believed to have knowledge about Ms. Pefley's activities. She also has knowledge about his supervising Ms. Pefley.

7. Robert Zorn
Representative of Washington State Process Services Association
c/o Daniel L. Thieme
Andrea Tersigni
Littler Mendelson, P.C.
Bank of America Tower
701 Fifth Ave., Suite 6500
Seattle, WA 98104-7097

Mr. Zorn has knowledge concerning WSPSA's attempts to get Plaintiff Casey Investigations to join WSPSA.

8. Martin Zambrano
416 So. Grant St.
Kennewick, WA 99336

Mr. Zambrano has knowledge concerning Defendants Owens' and Pronto Process Services' slanderous and defamatory statements.

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2 9. Scott "Lee" Stotts
3 3017 So. Dayton St.
4 Kennewick, WA 99336

5 Mr. Stotts is the former sales representative for Plaintiff Casey Investigations.
6 He has knowledge about Plaintiff Casey Investigations' business relationship
7 with its customers and prospective customers, including Armada Corporation.
8 He also has knowledge about statements made by and to these customer or
9 potential customers.

10 10. Rex Prout - Liquor Control Board
11 Pacific Plaza Building
12 3000 Pacific Ave. SE
13 Olympia, WA 43094
14 Phone: (360) 664-1729

15 Mr. Prout is the Assistant Chief of the Liquor Control Board. He has
16 information regarding Mr. Lack's slanderous and defamatory statement about
17 Plaintiffs.

18 11. Agent Kent Williams
19 3017 So. Dayton St.
20 Kennewick, WA 99336

21 Mr. Williams is a Liquor Control Board Agent. He has knowledge about Mr.
22 Lack's and Ms. Pefley's slanderous and defamatory statements and Kevin
23 Starkey's statements.

24 12. Secretary Jodi Comstock
25 4004 W. 43rd Ave.
Kennewick, WA 99336

Ms. Comstock is the Secretary of the Kennewick office of the Liquor Control Board. She has general knowledge about Mr. Owens and Ms. Pefley's slanderous and defamatory comments and Mr. Torres' resignation.

13. Senior Agent Kevin Starkey
304 Railroad Ave.
Cashmere, WA 98815

Mr. Starkey is a Senior Agent of the Liquor Control Board. He has knowledge about the Liquor Control Board's serving and processing Mr. Lack and Ms. Pefley's Complaint.

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14. Barbara Vane

Ms. Vane is believed to have knowledge about slanderous and defamatory statements made by Defendants to the State Liquor Control Board.

15. Richard Phillips a/k/a Rick Phillips
Chief Liquor Control Board

Mr. Phillips is believed to have knowledge about slanderous and defamation, statements made by Defendants to the State Liquor Control Board.

16. Representative of Evergreen Financial Services
Denice Gorski, Manager or other employees
P.O. Box 9073
Yakima, WA 98909

This representative has knowledge about the slanderous and defamatory statements made by Defendants Lack and Pefley.

17. Representative of Armada Corporation of Kennewick
Dina (Manager - last name may be England)
1045 W. Columbia Drive
Kennewick, WA 99336

This representative has knowledge about the slanderous and defamatory statements made by Defendants Lack and Pefley.

This representative has knowledge about the business relationship between Plaintiff Casey Investigations and Armada.

18. Representatives of Yakima County Credit Service
(Sheila - Owner and employees)
P.O. Box 9244
Yakima, WA 98909

This representative has knowledge about the slanderous and defamatory statements made by Defendants Lack and Pefley.

19. Representative of Olympic Credit Service
Judy [last name unknown]
P.O. Box 3432
Wenatchee, WA 98807

This representative has knowledge about the slanderous and defamatory statements made by Defendants Lack and Pefley.

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2 20. Representative of Hanford Collectors, Mary Kay (last name unknown)
3 2120 W. Henry Ave.
4 Pasco, WA 99301

5 This representative has knowledge about the slanderous and defamatory
6 statements made by Defendants Lack and Pefley.

7 21. Representative of NCMi Corporation
8 1919 Pittsburgh St.
9 Kennewick, WA 99336

10 This representative has knowledge about the slanderous and defamatory
11 statements made by Defendants Lack and Pefley.

12 22. Representative of Washington Collectors, Lynette (last name unknown)
13 510 No. 20th Ave.
14 Pasco, WA 99301

15 This representative has knowledge about the slanderous and defamatory
16 statements made by Defendants Lack and Pefley.

17 23. Representative of State of Washington
18 Mary Walcott
19 Office of State Procurement
20 P.O. Box 41017
21 Olympia, WA 98504-1017

22 This representative has knowledge about the slanderous and defamatory
23 statements made by Defendants Lack and Pefley.

24 24. Representative of State of Washington
25 Patti Sandstrom
Office of State Procurement
P.O. Box 41017
Olympia, WA 98504-1017

This representative has knowledge about the slanderous and defamatory
statements made by Defendants Lack and Pefley.

21 25. Rick Head, Economics Expert
22 c/o McGlothlin Myhre, PLLP
23 1221 E. Pike St., Suite 205
24 Seattle, WA 98122
25 Phone: (206) 527-2500
Fax: (206) 527-7100

Mr. Head is a Certified Public Accountant and principal in the firm Clothier &
Head. He will testify as to Plaintiff's economic damages.

1 [It is unknown which of the above individuals will be called at trial.]

2
3 **INTERROGATORY NO. 9:** Identify each person from whom written and signed (or
4 otherwise adopted or approved) recorded or transcribed statements or reports have been
5 secured related to any of the allegations in your Complaint or Defendant's Answer.

6 **ANSWER:**

7 Responding party has no such documents in its possession, custody or control
8 responsive to this request.

9
10 **REQUEST FOR PRODUCTION NO. 8:** Produce any and all documents and/or
11 tangible items that evidence any of the statements or reports that you are asked to identify in
12 the prior interrogatory.

13 **RESPONSE:**

14 N/A.

15 **INTERROGATORY NO. 9A:** For each element of damages that Plaintiff Casey
16 Investigations, LLC alleges it suffered because of the allegedly unlawful acts of Defendants
17 or its agents and/or that it seeks, or intends to seek, to recover in this lawsuit, please identify
18 the following:

- 19 a. The nature of each element of damages claimed;
20 b. The dollar amount claimed and its method of calculation;
21 c. The specific persons and activities that allegedly caused each element of
22 damages;

- 1 d. The person(s) who calculated or participated in calculating the amount of such
2 damages or who have knowledge concerning the methodology of computing
3 such damages; and
4 e. The person(s) with knowledge of the facts on which your claims for damages
5 are based.

6 **ANSWER:**

7 Damages are currently being analyzed by Plaintiff's economic expert and not
8 yet calculated. Plaintiff will supplement this response with additional
9 information, as it becomes available.

10 **REQUEST FOR PRODUCTION No. 9A:** Produce any and all documents and/or
11 tangible items that in any way were used or consulted or relied upon in arriving at the dollar
12 amounts for damages claimed in your answer to the prior interrogatory.

13 **RESPONSE:**

14 All documents responsive to this request have been previously produced.
15 Additional non-privileged documents, as they become available, will be
16 produced.

17 **INTERROGATORY NO. 9B:** For each element of damages that Plaintiff Mario
18 Torres alleges he suffered because of the allegedly unlawful acts of Defendants or its agents
19 and/or that he seeks, or intends to seek, to recover in this lawsuit, please identify the
20 following:

- 21 a. The nature of each element of damages claimed;
22 b. The dollar amount claimed and its method of calculation;
23 c. The specific persons and activities that allegedly caused each element of
24 damages;
25